

January 28, 2009

Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd. Ste. A  
Santa Rosa, CA 95403

Re: Basin Plan Amendment entitled Water Quality Control Plan for the North Coast Region to establish exception criteria to the point source waste discharge prohibitions by revising the action plan for storm water discharges and adding a new action plan for low threat discharges

Dear Ms. Kuhlman:

The proposed amendment characterizes this runoff as "low threat" and defines it as "...incidental discharges that are unanticipated, accidental and infrequent." Originally this was going to be dealt with as a separate Basin Plan Amendment, but now relies on future implementation of Best Management Practices that have not been developed as yet.

There is no way the public can judge whether the environmental analysis is adequate, because we don't yet know how beneficial uses will be protected. Because these discharges have the potential for a great deal of harm, we request that you remove this part of the Amendment until a later time when the BMPs to protect water quality can be examined and commented on.

These "low threat" discharges of wastewater contain many unregulated chemicals such as pharmaceuticals and personal care products whose toxicity is unknown. Many of these are believed to cause serious harm to the environment, to aquatic life, and human health. They have been found in waterways, in drinking water, and in the human body, where some believe they have caused cancer and other serious diseases in adults, children, and pets, and may be the cause of diminishing and disappearing wildlife species. Furthermore, there is a great deal of scientific information about antibiotic resistant pathogens that can get through the treatment system and wreck havoc with anyone coming in contact with them. This has never been addressed either.

Many of these chemicals are endocrine disruptors and are believed to cause the feminization of male reproductive organs in many diverse species such as birds, alligators, fish, and amphibians, preventing them from reproducing effectively. How will this policy protect threatened and endangered species in light of unknown and unregulated chemicals in the wastewater?

Incidental runoff may also have the unintended consequence of allowing lawn chemicals to run off into waterways. We are also concerned about the cumulative impacts of numerous "low threat" discharges occurring at the same time, especially if toxic chemicals have been applied to the irrigated area. We request that you prohibit wastewater irrigation on land that has been treated with pesticides. How would chemicals in recycled wastewater and chemical applications on lawns interact with one another? Would they produce any harmful by-products?

We believe that the State should test for endocrine disruptors and hormones in wastewater and that the policy should be suspended in areas testing positive for these constituents.

We are also concerned that the Laguna de Santa Rosa, prime receiver of runoff discharges from Santa Rosa, Cotati, and Rohnert Park, is a severely impaired water body. The Ludwigia (invasive plant) is a very serious pollutant that causes great harm and is exacerbated by nutrient loading. This Basin Plan Amendment should not be authorized until nutrient loads are fully identified and an analysis of potential contribution by irrigation runoff can be identified. In order to protect the environment in the summer low flowing streams (this amendment fails to differentiate between high winter flows and summer low flows) we recommend that the following additions be included in this Amendment, should it move forward:

- Monitoring of wastewater water quality should occur near the site and time of application to assure that the quality matches that of the Treatment Plant effluent;
- A maximum numerical amount be defined for "incidental runoff";
- Setbacks from creeks be required, with much greater setbacks in proximity to 303(d) listed creeks (600' would be appropriate as with AB 885);
- No irrigation be allowed on lawns that have been treated with pesticides, herbicides, soil amendments, fertilizers, etc.;
- That irrigation only be applied at agronomical rates;
- That multiple violators of wastewater irrigation rules not be allowed to irrigate with wastewater for at least a year, if not cut off entirely;
- That the program be revisited after the second year of implementation and annual reports written in detail to evaluate any problems;
- That a public review process be included with that review;
- That independent citizen water cops be hired to check irrigation sites unannounced on a regular basis;
- That it include a re-opener clause as new information about unregulated and other contaminants becomes available and new regulations are needed;

It is recommended that proposed Basin Plan language be revised and clarified to address issues presented - above. In addition, please consider the language presented, below, for revisions to the currently proposed policy.

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- Setbacks from creeks be required, with much greater setbacks in proximity to 303(d) listed creeks (600' would be appropriate as with AB 885);
- City of Santa Rosa proposed pollutant off-set trading not be

considered until Stormwater NPDES and BMPs are in place;

- That irrigation only be applied at agronomical rates;
- That multiple violators of wastewater irrigation rules not be allowed to irrigate with wastewater for at least a year, if not cut off entirely;
- That the program be revisited after the second year of implementation and annual reports written in detail to evaluate any problems;
- That a public review process be included with that review;
- Include a re-opener clause as new information about unregulated and other contaminants becomes available and new regulations are needed;

Sincerely,

Larry Hanson  
President, Forest Unlimited